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Forty-ninth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by International Education Development, Inc., a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[2 March 1993]

1. International Educational Development has as a fundamental part of its mandate promotion of humanitarian law. This mandate includes, inter alia, (1) analysis of armed conflicts in the world from the point of view of humanitarian law; (2) efforts, including direct negotiations, to ensure compliance with humanitarian law in countries at war; (3) dissemination of information through studies on country situations, briefing papers on important issues, participation in the United Nations human rights forums, and numerous public events; and, (4) campaigns to encourage ratifications of the Protocols Additional to the Geneva Conventions of 1949.

2. Our work with humanitarian law has led us to a number of concerns of interest to the United Nations Commission on Human Rights. The most important concern is that very few other organizations and hardly any lawyers in the field of human rights are trained in or concerned with humanitarian law. At the same time, United Nations Special Rapporteurs, even those whose mandates concern countries obviously at war, pay little useful attention to humanitarian law norms. On occasion, rapporteurs even incorrectly cite rules and principles of humanitarian law. (There have been a few notable exceptions to this situation, such as the work of the Special Rapporteur on the situation of human rights in Afghanistan, Mr. F. Ermacora, over the years in his reports on Afghanistan.

3. IED is convinced that for countries at war, the most compelling issue of human rights is the war itself and the violations of humanitarian law that arise in the course of any war. Failure to adequately address the armed conflict substantially reduces the relevance of any analysis of a country at war.

4. The situation of Sri Lanka, addressed by the Commission in its statement of 27 February 1992 see (E/CN.4/1992/84, p. 275), is a prime example. A war in Sri Lanka has been raging for nearly ten years between Tamil armed groups and the Government forces. While at times there were several armed Tamil groups, since around 1986 the Liberation Tigers of Tamil Eelam (LTTE) has been the only one at war. Needless to say, armed conflict does not arise in a vacuum - it is caused by something. In Sri Lanka, as on a number of countries, the root causes of the war are clearly human rights violations. None the less, when the war breaks out, the war itself can produce far more serious violations - those that constitute war crimes - and at the same time, provide a pretext for continued or even escalated patterns of human rights violations on the part of the Government as it defends itself, also clearly the case in Sri Lanka.

5. Wars create overwhelming barriers to resolving human rights violations: before any effective regime of human rights compliance can be achieved, the war and its animosities, hurts, crimes, refugees, destructions and divisions must be resolved. Sri Lanka again is a prime example. To solve the human rights problem, first there must be peace. This step is very difficult to achieve if attention is elsewhere, such as on disappearances, illegal detention, summary executions and the like. To ignore or discount the war, either because of dislike for any or all of the parties, because lack of preparation in or focus on humanitarian law, for political reasons or for any other reason, will not stop the war. As long as the war continues, human rights compliance is a phantom at best.

6. The Commission on Human Rights has a number of useful options to address more effectively country situations in which there are wars. We would like to present two of many we could make. First of all, more attention can be placed on the Geneva Conventions and customary humanitarian law on all activities and procedures of the Commission. In this light, more reference should be made to the General Assembly resolutions relating to human rights in armed conflict, such as resolutions 2625, 2675 and 2677 (XXV GAOR), resolution 40/139 and resolution 41/35.

7. The Commission could also appoint a special rapporteur for armed conflicts. This rapporteur could (a) alert the Commission when situations of civil unrest appear to be escalating into internal armed conflicts; (b) address ongoing armed conflicts by analysing the legal aspects, acting as a mediator, addressing violations of humanitarian law as presented to the rapporteur, and proposing further action for the Commission to consider; (c) work with special rapporteurs on country situations in which armed conflict is a component. Such a mandate would complement the work done by the ICRC, IED and other non-governmental organizations dealing with humanitarian law compliance.

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COMMISSION ON HUMAN RIGHTS
Forty-ninth session
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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 March 1993]

ENHANCING COMMUNICATIONS METHODS, PANDORA'S BOX: "WAYS AND MEANS" SUGGESTIONS FOR THE COMMISSION

1. Three years ago, 36 NGOs submitted a substantive written statement (E/CN.4/1990/WG.3/WP.5) to the Commission under item 11 and 11 (a). This was pertinent and timely then as unprecedented changes had taken place during the preceding year in the whole field of human rights, changes which were creating unparalleled expectations for hundreds of millions whose human rights had been consistently denied. It was inevitable that there would be greater demands for the application of human rights norms; and, ipso facto, a better coordinating role by the Centre for Human Rights in providing information and more responsive communications was desirable.

2. The diverse roles and activities carried out by the Centre for Human Rights are now generally recognized to be a key factor in the aims of the United Nations to promote and protect human rights worldwide, a goal which

will be enhanced by the activities of the World Campaign and the World Conference on Human Rights in June. Commission resolutions 1992/38, 1992/53 and 1992/54 are relevant.

3. Since 1990, the need to create and promote a pragmatic approach toward a fuller comprehension of human rights - in a form that is easily communicable and comprehensible - has increased, as more and more people and groups seek to know about their inherent rights and fundamental freedoms. The increasing necessity to devise an effective system to monitor the effective implementation and fulfilment of the International Bill of Human Rights, other treaty obligations and an ever-widening range of data is becoming more and more complex. As the scope of human rights activities become more extensive and time-sensitive, the importance of a suitably-developed system for the overall coordination of many of the Centre's activities will become an urgent necessity.

4. It is desirable to seek newer forms of communications, especially in the provision of some form of an "on-demand retrievable" system in a readily usable form that would be both economical and expedient. The implementation of such a capability will greatly improve the overall utilization of the enormous amount of existing information (now in storage) by key opinion and decision makers and by researchers. This also would have an added advantage in enhancing the accessibility and the visibility of the work of the Centre; and of enhancing the Centre itself as a dynamic international body.

5. With the ever-changing international political and social climate, there is increasing demand for the United Nations to be more responsive and to act more decisively. In this context, the modernization and the systematization of the roles of information and communications at the Centre for Human Rights (cf. recent developments in this field at the ICRC) is fundamental, particularly if one bears in mind that it is recognized by the world's leading enterprises that improved utilization of information and communications is today a key to any successful transnational body.

6. This modernization and systematization should go hand in hand with the Secretary-General's proposed reforms of the United Nations, announced during 1992, and his comments made subsequent to the recent publication of the report prepared by Mr. Dick Thornburgh, former Under-Secretary-General for Administration.

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7. The report of the Secretary-General (E/CN.4/1993/29) on the Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights provides a most useful recapitulation of which has been and is being done. It is a reminder of what could still be done in this field - and heightens the dangers of those grave pitfalls that must be avoided.

8. As pointed out by IFOR, in a statement on 15 September 1992 to the third meeting of the Preparatory Committee for the World Conference, the Universal Declaration of Human Rights must be accepted by States Parties as binding. All efforts to introduce conflicting "Declarations" could open Pandora's box,

thereby releasing not only distempers, but restricting mankind's "hope" that accepted international norms will remain intact to guarantee fundamental human rights worldwide.

9. The dangers of these alternative and conflicting "Declarations" are becoming more and more perceptible and are frequently raised at the Commission. The provisional outgoing Chairman, Ambassador Sirous Nasseri of the Islamic Republic of Iran, providing us with a noteworthy example in his opening statement at the first meeting of the forty-ninth session on 1 February, which went unanswered (E/CN.4/1993/SR.1, paras. 5 and 6).

10. The same could be said of the statements delivered on 18 February at the twenty-seventh meeting by the Sudanese Minister of Justice, Abdelaziz Abdalla Shido and the Deputy of the Iranian President, Ataollah Mohajerani, both of whom referred implicitly to "cultural relativism", using similar arguments to those advanced at the September 1992 Djakarta Conference of the 108 Non-Aligned Countries.

11. Prior to this, a new Islamic Declaration of Human Rights was adopted in Cairo on 5 August 1990 by the foreign ministers of 45 countries, within the framework of the Organization of the Islamic Conference (OIC). Fortunately, this Cairo Declaration was not approved at the December 1991 reunion of Heads of States, held in Dakar, Senegal - perhaps as a result, inter alia, of the prior warning bells sounded by the International Commission of Jurists - reiterated here at the forty-eighth session - that such a ratification would provoke strongly negative implications worldwide. For a typical example of the use of this "Islamic Declaration", see the "right of reply" of the representative of Sudan on 2 March 1993 at the forty-eighth meeting of the forty-ninth session of the Commission.

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12. It sometimes happens that statements by NGOs concerning specific human rights violations in certain countries cause grave umbrage to that State (usually an undemocratic government), whose representative - in a perfunctory and vituperative "right of reply" - often uses defamatory remarks against both the non-governmental organization itself and the representative who delivered the statement. This is not infrequent at both the Commission and the Sub-Commission. In this respect, we refer you to a written statement on this subject submitted to the forty-fourth session by several NGOs (E/CN.4/1988/NGO.24).

13. On 22 February, a representative of IFOR (David Littman) personally delivered a letter to the Chairman, with IFOR's statement of 19 February and a copy of the verbatim "right of reply" in French (with an English translation) pronounced on 19 February at the twenty-eighth meeting by the observer from Algeria (Ambassador Abdelhamid Semichi). (Copies were circulated to all members of the Commission).

14. The incident that occurred on that occasion was a classic example of intimidation and defamation. Such a comportment is deplorable at a United Nations forum and it would be desirable if the Chairman - within the

framework of the "methods of work" of the Commission - could be authorized in the future to admonish immediately, and rule out of order eventually, any observer resorting to this tactic of argumentum ad hominem.

15. Faced with a similar situation five years ago at the forty-fourth session, the Chairman of the Commission, Ambassador Alioune Sene of Senegal:

> "... called upon all speakers to exercise moderation, courtesy and tolerance in their statements and to avoid all forms of intimidation and defamation (so that our work may take place in an auspicious and serene climate)." (E/CN.4/1988/SR.39 and verbatim recording and interpretation.)

16. This wise advice has unfortunately not been heeded, but it should become a golden rule at all United Nations forums, where Parliamentary procedures should become axiomatic. IFOR is confident that a satisfactory solution will be found by the Chairman and the Bureau regarding this matter - before the end of the forty-ninth session. Hopefully, the Commission will take a decision so that a new "rule" may be applied systematically at future sessions.